

S/N 10/807,214

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark L. Jenson et al.

Examiner: Jonathan S. Crepeau

Serial No.: 10/807,214

Group Art Unit: 1746

Filed: March 22, 2004

Attorney Docket: 1327.008US2

Title: METHOD AND APPARATUS FOR INTEGRATED BATTERY-CAPACITOR DEVICES

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Washington, D.C. 22313-1450

I, Charles A. Lemaire, am an attorney of record for the above-identified instant patent application as evidenced by the Power of Attorney from the original application, a copy of which was filed in the instant application on March 22, 2004. I am making this petition on behalf of Cymbet Corporation, the assignee of the instant invention. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(1)(iv), to sign this terminal disclaimer.

Certificate Under 37 C.F.R. §3.73(b)

Your petitioner, Cymbet Corporation, certifies that they are the owner of the entire right, title and interest in and to the instant patent application (Serial No. 10/807,214) and to prior U.S. Patent No. 6,805,998. Your petitioner owns the entire right, title, and interest of these applications by nature of the assignments executed and filed for both of these applications. The assignment for U.S. Patent No. 6,805,998 was recorded on March 23, 2001 on Reel 011665, Frames 0476-0479, with the United States Patent and Trademark Office. A corporate change of name for the assignee was recorded on June 25, 2001 on Reel 011929, Frame 0899, with the United States Patent and Trademark Office. The assignment for U.S. Patent Application Serial No. 10/807,214 included in the assignment for its parent, U.S. Patent No. 6,805,998.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, Cymbet Corporation, seeking to take the action set forth in this disclaimer.

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Terminal Disclaimer

Cymbet Corporation, the owner of 100 percent interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,805,998. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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Fee Status

Please charge \$65.00 to Deposit Account No. 502931, which is the required under 37 C.F.R. § 1.20(d) to file a statutory disclaimer. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 502931.

Respectfully submitted,

MARK L. JENSON ET AL.

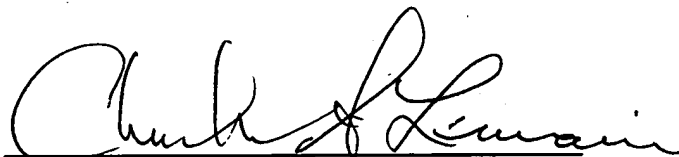
By their Representatives,

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Date

6 Sept 2005

By



Charles A. Lemaire
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Express Mail mailing label number: EV 584 017 205 US

Date of Deposit: Sept 6, 2005

This correspondence is being deposited on the date indicated above with the United States Postal Service pursuant to 37 CFR 1.10, and is addressed to:

Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450